

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

J.B.D.L. Corp. d/b/a)	Civil Action No. C-1-01-704
BECKETT APOTHECARY, et al.)	
)	
Plaintiffs,)	Judge Sandra S. Beckwith
)	Magistrate Judge Timothy S. Hogan
)	
v.)	
)	
WYETH-AYERST LABORATORIES, INC.,)	JOINT MOTION TO MODIFY
et al.)	CALENDAR ORDER
)	
Defendants.)	

MOTION

The parties respectfully request Magistrate Judge Hogan to modify the prior Calendar Order entered in this case, dated March 22, 2004 (Doc. #99). The parties' proposed Agreed Modified Calendar Order has been sent via electronic mail to the Court in Word and WordPerfect format.

MEMORANDUM IN SUPPORT

The discovery of defense experts in this case cannot be completed by the dates set forth in the Calendar Order dated March 22, 2004 (Doc. #99) and, therefore, it is in the best interests of all parties to extend the dates by which defense expert depositions and rebuttal expert reports shall conclude. This extension of the expert discovery deadlines also requires an extension of approximately one month for the filing of dispositive motions set by the previous Calendar Order and set by Judge Beckwith in a separate Notice (Doc. #110). The parties are filing this same date a separate Joint Motion with Judge Beckwith to extend the dispositive motion deadline. Significantly, this

Agreed Modified Calendar Order does not affect the pretrial conference or trial dates which have been set by Judge Beckwith.

Accordingly, the parties jointly move this Court to extend the deadlines as set forth in the Agreed Modified Calendar Order which has been sent to the Court's chambers for consideration and entry.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served this 6th day of August 2004 on the counsel of record who are not served through the court's ECF system, as follows:

VIA OVERNIGHT DELIVERY

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